



Forward to Linda P
for appeal filing

CHEF ADAMS
CITY ATTORNEY



June 8, 2012

Mr. Michael R. Booher
dba Acoustical & Drywall Services, LLC
1964 Frazer Ave.
Sparks, NV 89431

Re: Denial of Business License #054385/Cease and Desist

Dear Mr. Booher:

This letter is to advise you that your current business activity being conducted at 1964 Frazer Ave., Sparks, Nevada is illegal and must immediately be ceased.

A. May 31, 2012 Correspondence

By letter dated May 31, 2012 you were provided notice by Sparks Code Enforcement Officer Joe Rodriquez that you must cease conducting business as Acoustical & Drywall Services, located at 1964 Frazer Ave., Sparks, Nevada.

You were advised that because the Sparks Planning Commission denied your request for a special use permit, your business was not in compliance with Sparks Municipal Code and would therefore not qualify for a Sparks business license.

You were further notified that the outside storage facility situated upon your business premises constituted a violation of the Sparks Municipal Code.

B. Denial of Business License for Acoustical & Drywall Services, LLC.

A City of Sparks Business License Renewal Notice for Acoustical & Drywall Services, LLC was submitted to the City of Sparks. The Sparks Business License Renewal form was dated May 30, 2012 and signed by Ms. Frances M. Lizotta, a managing member of "Acoustal & Drywall Services, LLC" located at 1964 Frazer St., Sparks, Nevada. Ms. Lizotta was your business partner/associate/resident agent/managing member/treasurer in Sierra Nevada Meadows, L.L.C. located at 1964 Frazer Ave.,

RECEIVED

JUN 08 2012

CITY MANAGER

Sparks, Nevada (Nevada Entity Number LLC 7134-1999); Paradigm Investment, LLC (Nevada Entity Number LLC 869-2001); and Water Rights Research and Development, LLC (Nevada Entity Number E0278232006-1).

The City of Sparks Business License Renewal form for Acoustical & Drywall Services, LLC was accompanied by check #5544, made payable to the City of Sparks in the amount of two hundred forty five dollars (\$245.00) for "Business License #054385".

You are hereby advised that pursuant to Sparks Municipal Code 5.08.050 a business license issued by the City of Sparks does not condone or otherwise authorize the conducting of business in contravention of the city's municipal law with respect to permits, safety standards, prohibited acts or conditions. You are further advised that pursuant to Sparks Municipal Code 5.16.010(A)(2), (4) a business license shall be denied if the location of the business substantially fails to meet the requirements of the City of Sparks Fire Codes, Building Codes, the Zoning Ordinances or State or Federal law. Please consider your request for renewal of a Sparks business license denied for the following reasons:

1. Violation of Sparks Municipal Law

The business premises of Acoustical & Drywall Services, LLC are currently in violation of the City of Sparks zoning ordinances.

The business premises of Acoustical & Drywall Services, LLC are subject to re-inspection and approval by the Sparks Fire Department and Sparks' Environmental Services.

2. Violation of State Law

There is no business entity listed with the Nevada Secretary of State for Acoustical & Drywall Services, LLC.

The Nevada Secretary of State has no listing of a Nevada business license for Acoustical & Drywall Services, LLC.

Accordingly, you will find enclosed herein the original City of Sparks Business License Renewal form signed May 30, 2012 by Ms. Frances M. Lizotta. Also enclosed herein is check #5544, made payable to the City of Sparks in the amount of two hundred forty five dollars (\$245.00) for "Business License #054385".

C. Right to Appeal the Denial of Your Business License

Pursuant to Sparks Municipal Code 5.16.010(B) you have thirteen (13) days from the date of mailing of this letter to appeal the denial of your business license renewal to the Sparks City Council. In order to effectuate your appeal within that 13 day period, you must file a petition for hearing with the Clerk for the City of Sparks, located at 431 Prater Way, Sparks, Nevada.

Mr. Michael R. Booher
dba Acoustical & Drywall Services, LLC.
Denial of Business License #054385 Cease and Desist

June 8, 2012
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D. Cease and Desist Doing Business in the City of Sparks

In addition to the admonition from conducting business in the City of Sparks by the City's Code Enforcement Officer Joe Rodriguez in his correspondence dated May 31, 2012, you are further advised that your current City of Sparks business license has expired. Pursuant to Sparks Municipal Code 5.08.020(A) it is illegal to conduct business in the City of Sparks without a valid business license. The business license for Acoustical & Drywall Services, LLC has expired and the renewal for said business has been denied. Accordingly, as the declared Owner of Acoustical & Drywall Services, LLC you are facing potential criminal charges if you continue to transact business in the City of Sparks.

Although you have the right to appeal your business license denial to the Sparks City Council as noted above, you nevertheless face denial of any future business license if you commence operating business before the issuance of a new business license pursuant to Sparks Municipal Code 5.16.010(A)(5).

Sincerely,



Chester H. Adams
Sparks City Attorney

CHA/sll

Enclosures

cc: Shaun Carey, Sparks City Manager Nevada State
Steve Driscoll, Assistant City Manager
Andy Flock, Sparks Fire Chief
Bob King, Sparks Fire Marshall
Joe Rodriguez, Sparks Code Enforcement Officer
Toby Ebans, Sparks Environmental Services
Lisa Galvin, Sparks Business Licensing
Chris Syverson, Human Resources

The Nevada State Contractor's Board
(License #0022170)
9670 Gateway Dr., Suite 100
Reno, NV 89521

Nevada Secretary of State
Business License Division
202 No. Carson St.
Carson City, NV 89701-4201



CITY OF SPARKS

431 Prater Way • P. O. Box 857 • Sparks, Nevada 89432-0857
Attn: Customer Service • (775) 353-2360 • FAX: (775) 353-7802

**PAYMENT
IS DUE:**

06/01/2012

BUSINESS LICENSE RENEWAL NOTICE

New License Period is: **06/01/2012 - 06/01/2013**

Please Verify And Make Any Necessary Corrections

BUSINESS LICENSE NO. 054385

Business Name Acoustical & Drywall Services LLC
DBA
Business Location 1964 Frazer Ave Sparks, NV 89431

Mailing Address ACOUSTICAL & DRYWALL SERVICES LLC
1964 FRAZER AVE
SPARKS NV 89431

RECEIVED
MAY 3 2012
CITY OF SPARKS
REVENUE DIVISION

EXPIRATION DATE 06/01/2012

Phone No. (775) 359-6284
Fax No. (775) 359-6289
Start Date 06/01/1994
NAIC Code 23
Rate Type 110
Bus Type 035
Ownership Ltd Liability Co

If business is no longer active, enter closing date here, complete gross receipts below and return to address above:

Business Closed (Date)

Description of Business CONTRACTOR - SPECIALTY
State Contractor License No. 0022170 License Type C-3 Expiration Date
Email Address mikeamo741@sbcglobal.net Website

Owners, Partners, or Corporate Officers - Please make any necessary corrections.

Owner Name	Title	Lic/owner	Date of Birth
Michael R. Booher			--ON FILE--
Home Address	Phone #1	Phone #2	SSN #
1964 Frazer Ave Sparks, NV 89431	(775) 359-6284	(775) 338-9400	--ON FILE--

Emergency Contact - Please make any necessary corrections.

Name	Title	Phone No.
Address		

Alarm Company - Please make any necessary corrections.

Name	Lic. No.
Nusystems Inc	
Address	Phone No.
1266 Dresslerville Rd Gardnerville, NV 89460	(775) 265-5775

• Renewal Message •

Please enter your Gross Receipts in the box at the right and calculate your business license as follows:

Base Fee \$ 80.00
(for the first \$10,000 in gross receipts)

\$1.00 for each \$1,000 over \$10,000 in gross receipts \$ 165.00

BASE CHARGE \$ 245.00

Please enter "Base Charge" in the box at right.

Penalties will be assessed after the 30 day grace period of the Business License anniversary date as follows:
Day 31 to Day 60 = 25% penalty of the delinquent amount
Day 61 and after = 50% penalty of the delinquent amount
Caution: To avoid penalties and delay of issuance of your license, forms must be completed in full

ARTICLE 1 - NOTICE "NO LICENSES SHALL BE ISSUED FOR THE CONDUCT OF ANY BUSINESS IN ANY PREMISES HAVING DELINQUENT SEWER FEES CHARGEABLE THERETO UNTIL SUCH DELINQUENT CHARGES AND PENALTIES HAVE BEEN PAID." SPARKS MUNICIPAL CODE CHAPTER 13, SECTION 27 070E.

I, THE UNDERSIGNED, UNDERSTAND THAT: (1) it is unlawful for any person to transact or conduct any business in the City of Sparks without first having obtained a business license; (2) this document is an application only and certain conditions must be met before a business license will be issued to me; (3) if I commence operation my proposed business prior to the issuance of a business license, it is a misdemeanor offense punishable by up to six months in the county jail and/or a fine of up to one thousand dollars (\$1,000.00); (4) if I commence operating my proposed business prior to the issuance of a business license, my application will be denied; and (5) any false or misleading answer on this application will result in the denial of my application. YOUR PROPOSED BUSINESS MAY BE INSPECTED.

PLEASE CALCULATE AMOUNT DUE BY ENTERING INFORMATION IN BOXES BELOW AND SIGN

No. of Personnel	Full Time	Part Time
	4	3
Gross Receipts in City of Sparks ONLY Preceding 12 Months	\$ <u>175,000.00</u>	
Previous Balance	\$ 0.00	
Base Charge	<u>245.00</u>	
Penalty Fee		
TOTAL AMOUNT DUE	<u>245.00</u>	

Thank you for doing business in the City of Sparks

Date 5-30-12 Signature of Owner or Representative: Francis M. Lyette

**CONSTRUCTION BY ADS
ACOUSTICAL & DRYWALL SERVICES**

1864 FRAZER AVENUE
SPARKS, NV 89431-5532
775-359-8284



ACH INT 123400724
94-72-1224

5/30/2012

5544

PAY TO THE
ORDER OF CITY OF SPARKS

Two Hundred Forty-Five and 00/100

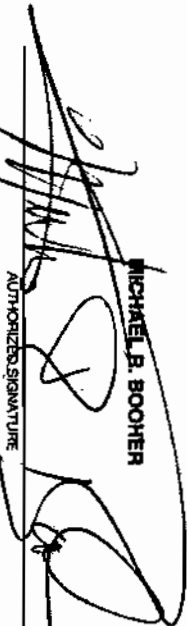
\$ **245.00

DOLLARS

CITY OF SPARKS
P.O. BOX 857
SPARKS, NV. 89432

MEMO

BUSINESS LICENSE #054385


MICHAEL B. BOOHER
AUTHORIZED SIGNATURE

⑆005544⑆ ⑆122400724⑆ 501009438978⑆